

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
January 16, 2013

**PRESENT:** Vice-Mayor Nguyen, Councilmembers Oliverio and Herrera

**ABSENT:** Mayor Reed and Councilmember Constant

**STAFF:** City Attorney Richard Doyle, Acting City Clerk Toni Taber, Deputy City Manager Alex Gurza, Agenda Services Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Kathy Carrillo

**A. City Council (City Clerk)**

1. Review January 22, 2013 Final Agenda  
None Meeting Cancelled
2. Review January 29, 2013 Draft Agenda
  - a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall noted his concerns on Item 4.2.a Implementation Ordinance for the Habitat Conservation Plan.

Action: The Committee approved the agenda, with the following additions:

Item 1.x (Presentation of a commendation to the Pacific Coast Farmer's Market Association), Item 2.4 (Mayor and Council Excused Absence Requests), Item 2.x (Actions Related to Mayor Reed's Travel to Washington, D.C.), Item 2.x (Councilmember Constant's Travel to Pasadena, CA and Sacramento, CA), Item 2.x (Councilmember Herrera's Travel to Washington, D.C.), and Item 4.2 to be heard last.

**B. Review of Upcoming Study Session Agenda(s)**

1. City of San José Neighborhood Associations/Youth Commission /2013-2014 Priority Setting Session Agenda – Saturday, January 26, 2013, 9:00 a.m. – 12:00 p.m.

Document Filed: Memorandum from City of San José Neighborhood Associations/Youth Commission to the Rules and Open Government Committee regarding the 2013-2014 Priority Setting Session.

Public Comment: David Wall suggested that the Youth Program integrate volunteerism into their Priority Setting Session.

Action: The Committee approved the 2013-2014 Priority Setting Session.

**C. Legislative Update**

1. State – Verbal Report: Director of Intergovernmental Relations Betsy Shotwell provided updates on the Governor’s Annual Budget Report.
2. Federal – No Report.

**D. Meeting Schedules**

**E. The Public Record**

Public Comment:

Richard McCoy spoke regarding Item E.d on reckless bicyclists and pedestrians.

Nancy Williams, Senior Citizens Commission, provided comments for Items E.e-f Ageism Prevention and Awareness Initiative letter.

Manny Bravo and Lori Mathis, Second Harvest Food Bank and Joyce Rabourn, Senior Citizens Commission, addressed Items E.e-g and requested that the City of San José make provisions to allow short term parking for agencies delivering essential items to John XXIII Center.

David Wall provided remarks opposing Item E.b the drafted gun control ordinance and made recommendations for Item c regarding vagrant encampments behind Columbus Park.

Timothy Cook provided comments opposing Item E.b the drafted gun control ordinance.

M. Van Smith, Michael & Associates, P.C. Attorney at Law, voiced support for Item E.b the drafted gun control ordinance.

Nicole Stollard, San Jose Pink Pistols, provided comments opposing Item b the drafted gun control ordinance.

Martha O’Connell, Senior Citizens Commission made recommendations for Item E.e the Housing Investment Plan.

Document(s) Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated January 11, 2013 transmitting the Public Record for the week of January 4, 2013 – January 10, 2013.

Action: The Committee referred to staff all of the collective items brought forward by the members of the public and to be brought back to the Rules and Open Government Committee for review within 30-days.

Discussion: The Committee discussed Item E.b regarding a drafted gun control ordinance.

Action: The Committee moved to defer Item E.b one-week to the Rules and Open Government Committee on January 23, 2013.

Action: The Public Record was noted and filed.

**F. Boards, Commissions and Committees**

1. Appointments
2. Workplans
3. Annual Reports

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.
  - a. Accept the workload assessment for the proposals outlined in the December 12, 2012, memorandum to the Rules and Open Government Committee entitled Filling Empty Storefronts. (Economic Development)

Document Filed: Memorandum from the Department of Economic Development to Rules and Open Government dated January 11, 2013, forwarding recommendations.

Public Comment: David Wall spoke in support of item G.1.a Filling Empty Storefronts.

Action: The Committee moved to defer Item G.1.a to the Rules and Open Government Committee on January 23, 2013.

2. Renew the City's support for and participate in the National *Let's Move!* Campaign (Councilmember Chu)

Document Filed: Memorandum from the Councilmember Chu to Rules and Open Government dated January 10, 2013, forwarding recommendations.

Public Comment: Sheila James, Region 9 Office of the Regional Health Administration, provided additional information in support of Item G.2 the National *Let's Move!* Campaign.

Discussion: Councilmember Chu spoke in support of Item G.2 renewal of the National *Let's Move!* Campaign, the Parks, Recreation and Neighborhood staff was on hand to answer the Committees questions.

Action: The Committee referred Item G.2 back to staff for one-week and to be brought back to the Rules and Open Government Committee for review and with clarification on January 23, 2013.

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

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**I. Open Government**

1. Appeals of Public Records Act Request

**J. Open Forum**

David Wall suggested the Treatment Plant Advisory Committee should have their meetings at City Hall under the Office of the City Clerk because it is a conflict of interest to have the Environmental Services conduct these meetings as it affects the Water Pollution Control Plant.

**K. Adjournment 2:55 p.m.**

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in dark ink and is positioned above a horizontal line.

Mayor Chuck Reed

Rules and Open Government Committee